

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

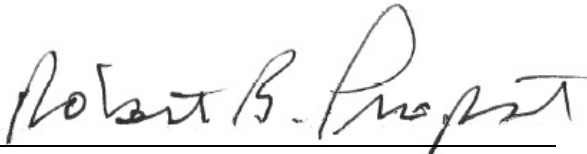
ASHLEY DORAL PARKER,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL ACTION NO. 08-PT-890-M
	)	
TERRY MARCUM, Chief Jail Administrator;	)	
ATTORNEY GENERAL FOR	)	
THE STATE OF ALABAMA,	)	
	)	
Respondents.	)	

MEMORANDUM OF OPINION

The magistrate judge filed his findings and recommendation on December 16, 2009, recommending that the petition for writ of habeas corpus be dismissed with prejudice as unexhausted and procedurally barred. On December 29, 2009 petitioner's copy of the Findings and Recommendation was returned by the United States Postal Service with the handwritten notation "Not in Jail."

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the petition for writ of habeas corpus is due to be DISMISSED with prejudice as unexhausted and procedurally barred. A Final Judgment will be entered.

As to the foregoing it is SO ORDERED this the 11<sup>th</sup> day of January, 2010.

  
\_\_\_\_\_  
**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**